

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Karina Herrera	Team: Squad #7	CCRB Case #: 201902793	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Sunday, 03/31/2019 10:24 AM	Location of Incident: § 87(2)(b)	Precinct: 67	18 Mo. SOL 9/30/2020	EO SOL 5/17/2021	
Date/Time CV Reported Sun, 03/31/2019 7:37 PM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Sun, 03/31/2019 7:37 PM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. POM Ahmad Shaheed	14697	944291	067 PCT
2. POM Guosheng Du	14727	961741	067 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Ahmad Shaheed	Abuse: Police Officer Ahmad Shaheed threatened to arrest § 87(2)(b)	§ 87(2)(b)
B.POM Ahmad Shaheed	Abuse: Police Officer Ahmad Shaheed threatened to remove § 87(2)(b) to the hospital.	§ 87(2)(b)
C.POM Ahmad Shaheed	Abuse: Police Officer Ahmad Shaheed entered § 87(2)(b) in Brooklyn.	§ 87(2)(b)
D.POM Ahmad Shaheed	Abuse: Police Officer Ahmad Shaheed refused to provide his name to § 87(2)(b)	§ 87(2)(b)
§ 87(2)(g), § 87(4-b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(g), § 87(4-b)	§ 87(2)(b)	§ 87(2)(b)

Case Summary

On March 31, 2019, § 87(2)(b) filed the following complaint with the CCRB via the agency's website. § 87(2)(b) is a Spanish-speaker.

At approximately 10:24 a.m. on March 31, 2019, § 87(2)(b) was at his apartment located at § 87(2)(b) in Brooklyn, when § 87(2)(b)'s acquaintance, § 87(2)(b) arrived there with two officers, Police Officer Ahmad Shaheed and Police Officer Guosheng Du from the 67th Precinct (Board Review 01). The day before the incident, § 87(2)(b) loaned § 87(2)(b) two bicycles in exchange for money; however, on the incident date, Police Officer Shaheed allegedly told § 87(2)(b) that he had to return the bicycles back to § 87(2)(b) and if he did not do so, then he would arrest him (**Allegation A: Abuse of Authority - Threat of Arrest**, § 87(2)(g) Police Officer Shaheed also threatened to request an ambulance while speaking to § 87(2)(b) (**Allegation B: Abuse of Authority - Threat to Remove to the Hospital**, § 87(2)(g)

Police Officer Shaheed eventually entered § 87(2)(b)'s apartment and he allegedly instructed § 87(2)(b) to return the bicycles or he would be arrested (**Allegation C: Abuse of Authority - Entry**, § 87(2)(g) § 87(2)(b) gave § 87(2)(b) both of the bicycles without any money in return and he asked Police Officer Shaheed for his name. Police Officer Shaheed allegedly did not reply to § 87(2)(b) so § 87(2)(b) looked at his shield and he wrote down his information (**Allegation D: Abuse of Authority - Refusal to Provide Name**, § 87(2)(g)

§ 87(2)(g), § 87(4-b)

No additional video footage was found, and no one was arrested or issued a summons during the incident.

Findings and Recommendations

Allegation (B) Abuse of Authority: Police Officer Ahmad Shaheed threatened to remove § 87(2)(b) to the hospital.

Allegation (D) Abuse of Authority: Police Officer Ahmad Shaheed refused to provide his name to § 87(2)(b)

§ 87(2)(b) stated that the day before the incident date, he was with his unidentified friend inside of his apartment and his friend invited his friend, § 87(2)(b) to come as well (Board Review 03). When § 87(2)(b) arrived, he asked § 87(2)(b) if he could borrow money and he offered to leave two bicycles at § 87(2)(b)'s apartment as a guarantee that he would return the money to him eventually. § 87(2)(b) agreed and he gave § 87(2)(b) approximately \$200. The following day, § 87(2)(b) heard someone knocking on his front door, and when he opened the door, he saw § 87(2)(b) outside of his apartment with two officers, Police Officer Shaheed and Police Officer Du. Police Officer Shaheed told § 87(2)(b) that § 87(2)(b) called 911 because he claimed that § 87(2)(b) did not want to return his bicycles to him. § 87(2)(b) explained to Police Officer

Shaheed that § 87(2)(b) had borrowed money from him in exchange for the bicycles, so when he received the money back then § 87(2)(b) would get his bicycles.

At some point, Police Officer Shaheed physically attempted to enter § 87(2)(b)'s apartment, but § 87(2)(b) blocked him and he refused to provide him with consent to do so. In that moment, Police Officer Shaheed told § 87(2)(b) "I know you have mental problems. I'm going to call an ambulance because you have psychological problems." § 87(2)(b) did not mention anything about

his mental health during the incident and he did not know why Police Officer Shaheed believed he had a mental illness. Ultimately, an ambulance was not requested and § 87(2)(b) was not removed to the hospital during the incident. § 87(2)(b) eventually returned the bicycles to § 87(2)(b) and he asked Police Officer Shaheed for his name. Police Officer Shaheed did not reply to § 87(2)(b) so he got a pen and paper, and he wrote down Police Officer Shaheed's information from his shield. § 87(2)(b) and the officers left the incident location, and § 87(2)(b) was not arrested.

§ 87(2)(b) stated that on the incident date he was at § 87(2)(b)'s apartment, but at some point, he left to go to the convenience store (Board Review 04). § 87(2)(b) left two of his bicycles inside of § 87(2)(b)'s apartment, but when he returned from the store approximately twenty-five minutes later, § 87(2)(b) refused to allow him back into the apartment and he did not want to give him the bicycles. § 87(2)(b) called 911 to report the incident, and when the officers arrived, § 87(2)(b) told them that § 87(2)(b) owed him money and that he would return the bicycles to him upon receipt of that money. § 87(2)(b) denied making any agreement with § 87(2)(b) in regards to money. Prior to the incident, § 87(2)(b) informed § 87(2)(b) that he suffers from psychiatric issues, including paranoia. § 87(2)(b) told the officers that information, but he did not know if they mentioned an ambulance or the hospital to § 87(2)(b). § 87(2)(b) believed § 87(2)(b) asked Police Officer Shaheed for his information at the end of the incident, but § 87(2)(b) did not hear Police Officer Shaheed's response.

Police Officer Shaheed corroborated § 87(2)(b)'s description of the incident and dispute over the bicycles – specifically that § 87(2)(b) had intended to keep the bicycles as collateral (Board Review 05). Police Officer Shaheed explained to § 87(2)(b) that the money was a civil matter that was separate from this incident because it did not have anything to do with the bicycles. § 87(2)(b) eventually agreed to return the bicycles to § 87(2)(b) and he handed them to him at the front door. In that moment, § 87(2)(b) asked Police Officer Shaheed for his information, and he provided it to him – including his name and shield number – but Police Officer Shaheed did not recall how he provided that information to § 87(2)(b).

Police Officer Shaheed further explained that § 87(2)(b)'s demeanor during the incident indicated that he may have needed medical services because he was verbally aggressive towards the officers and he was pacing back-and-forth. § 87(2)(b) appeared to have a mental health disorder because he was not thinking or speaking clearly. § 87(2)(b) was yelling during the incident, so Police Officer Shaheed was concerned that he would pass out from being agitated. Police Officer Shaheed asked § 87(2)(b) if he needed an ambulance and his response was that he was fine.

Police Officer Shaheed decided not to request an ambulance to the incident location because § 87(2)(b) said he did not want it, he began to calm down, and he started to listen to the officers.

Police Officer Du stated that he did not remember the details surrounding § 87(2)(b) and § 87(2)(b)'s dispute about money (Board Review 06). Police Officer Shaheed mostly spoke to § 87(2)(b) during the incident while Police Officer Du mostly spoke with § 87(2)(b) so Police Officer Du was unaware of § 87(2)(b)'s demeanor during the incident. Police Officer Du did not hear Police Officer Shaheed speaking to § 87(2)(b) about his mental health nor threatening to take him to the hospital, and Police Officer Du did not know if there was any reason to believe that § 87(2)(b) needed medical attention at the time of the incident. Police Officer Du did not hear § 87(2)(b) asking Police Officer Shaheed for his information during the incident.

§ 87(2)(g)

[REDACTED]

Allegation (A) Abuse of Authority: Police Officer Ahmad Shaheed threatened to arrest § 87(2)(b)

Allegation (C) Abuse of Authority: Police Officer Ahmad Shaheed entered 165 § 87(2)(b) in Brooklyn.

§ 87(2)(b) stated that at the front door he explained to the officers his dispute with § 87(2)(b) and Police Officer Shaheed told him, “No, you’re committing an offense. If you don’t give back the bicycles, then I have the authority to arrest you.” At some point during the incident, § 87(2)(b) briefly left the front door and he went into his apartment. § 87(2)(b) believed at least one bicycle was visible from the front door at the time, and as previously mentioned, he told Police Officer Shaheed that he did not consent for him to enter his apartment. When § 87(2)(b) returned to the door, Police Officer Shaheed was inside of his apartment - near the entrance. Police Officer Shaheed threatened to arrest § 87(2)(b) again if he did not return the bicycles to § 87(2)(b). In that moment, § 87(2)(b) gave § 87(2)(b) his bicycles.

§ 87(2)(b) stated that at some point he noticed one of his bicycles from the front door, but § 87(2)(b) was claiming that it was his bicycle, so § 87(2)(b) showed the officers a video that he had on his cellphone of both of his bicycles. Police Officer Shaheed asked § 87(2)(b) if he could enter the apartment because he could not withhold § 87(2)(b)'s property from him, and § 87(2)(b) told Police Officer Shaheed that he would be violating his rights if he did that. In that moment, Police Officer Shaheed instructed § 87(2)(b) to step back and he did so. Police Officer Shaheed entered § 87(2)(b)'s apartment and he remained near the front door. Police Officer

Shaheed determined that the bicycle that was visible from the front door was the same one that § 87(2)(b) had showed in the video. § 87(2)(b) ultimately agreed to return the bicycles to § 87(2)(b) and he handed them to him. Police Officer Shaheed remained inside of § 87(2)(b)'s apartment for approximately a minute as he facilitated the exchange and then he exited it. § 87(2)(b) did not remember if § 87(2)(b) provided Police Officer Shaheed with any consent to enter his apartment, and he did not know if Police Officer Shaheed threatened to arrest § 87(2)(b) during the incident.

Police Officer Shaheed stated that § 87(2)(b) could have been arrested for petit larceny or grand larceny depending on the value of the bicycles, but he did not arrest § 87(2)(b) because he ended up returning the property back to § 87(2)(b). Police Officer Shaheed did not threaten to arrest § 87(2)(b) during the incident, but he did inform him that what he was doing was considered a crime because he had unlawfully possessed the bicycles. Police Officer Du did not hear Police Officer Shaheed threatening to arrest § 87(2)(b) but he explained that § 87(2)(b) could have been arrested for criminal possession of stolen property. Police Officer Shaheed did not recall if he entered § 87(2)(b)'s apartment during the incident, and Police Officer Du did not see him do that at any point. Police Officer Shaheed and Police Officer Du did not recall if § 87(2)(b) mentioned that he did not want the officers inside of his apartment and they did not remember if § 87(2)(b) provided them with consent to enter.

Criminal Possession of Stolen Property in the fifth degree is defined as knowingly possessing stolen property with intent to benefit oneself and to impede any recovery by the owner (PL 165.40) (Board Review 07). Petit Larceny and Grand Larceny in the fourth degree are for the actual act of stealing and they differentiate based on the value of the property (PL 155.25 and PL 155.30) (Board Review 08).

People v. Gonzales decided that when the police arrested the defendant in his home without a warrant and in the absence of exigent circumstances, the arrest violated the Fourth Amendment (111 A.D.3d 147) (Board Review 09).

§ 87(2)(g)
[REDACTED]

§ 87(2)(g)
[REDACTED]

§ 87(2)(g), § 87(4-b)

[REDACTED]
 [REDACTED]
 [REDACTED]
 [REDACTED]
 [REDACTED]
 [REDACTED]

(b) (7)(C), (b) (7)(D)

[REDACTED]

[REDACTED]

[REDACTED]

_____.

Civilian and Officer CCRB Histories

- § 87(2)(b) has been party to two CCRB complaints and has been named as a victim in six allegations (Board Review 11):

- § 87(2)(b) [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

- Police Officer Shaheed has been a member of service for twelve years and has been a subject in four CCRB complaints and five allegations, none of which were substantiated.

§ 87(2)(g)

- Police Officer Du has been a member of service for three years and has been a subject in two CCRB complaints and two allegations, none of which were substantiated. § 87(2)(g)

_____.

Mediation, Civil and Criminal Histories

- § 87(2)(b) declined to mediate this complaint.
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)] _____

_____.
• As of May 20, 2020, the New York City Office of the Comptroller has no record of Notice of Claims being filed in regards to this complaint (Board Review 13).

Squad No.: _____7_____

Investigator:	_____Karina Herrera_____	_____Inv. Karina Herrera_____	_____05/27/2020_____
	Signature	Print Title & Name	Date

Squad Leader:	_____Manager Vanessa Rosen_____	_____May 28, 2020_____
	Signature	Date

Reviewer:	_____	_____	_____
	Signature	Print Title & Name	Date